IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21333 of 2004

Between:

Maruvada Thavithamma, W/o.late Ramulu,
R/o.Segidi Veedhi, Palakonda, Srikakulam District.

..... PETITIONER

AND

1. The Regional Manager, Andhra Pradesh State Road Transport Corporation, Srikakulam Region, Srikakulam.
2. The Depot Manger, Andhra Pradesh State Road Transport Corporation, Tekkali Depot, Srikakulam.
3. The Accounts officer, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondents in not releasing the family pension to the petitioner as illegal, arbitrary and unjust and consequently direct the respondents to release the family pension to the petitioner from the date of expiry of his husband.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1 to 3: KUM.B.G.UMA DEVI

The Court made the following :

ORDER:

This writ petition is filed to issue a Writ of Mandamus declaring the action of the respondents in not releasing the family pension to the petitioner as arbitrary and illegal.

2. The case of the petitioner is that her husband, by name Ramulu, was appointed as a driver in the respondent-Corporation in the year 1988 and he was retired from service after attaining superannuation on 31.12.1997. He died on 28.10.1999. The petitioner is the legally wedded wife of the deceased Ramulu. After the death of her husband, she has submitted representations dated 03.12.1999 and 19.05.2004 to the 3rd respondent-Accounts Officer, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad, to release the family pension, but she was not paid the same. Hence, this writ petition.

3. The learned counsel for the petitioner contended that the petitioner is the sole legally wedded wife of the deceased Ramulu, and therefore, she is entitled for the family pension and other benefits.

4. On the other hand, the learned Standing Counsel for the respondents brought to the notice of this Court that a rival claim has been made by another woman stating that she is the legally wedded wife of the deceased Ramulu, and therefore, the representations of the petitioner will be considered as per the rules and regulations of the Corporation.

5. The facts are in narrow compass. As the husband of the petitioner died on 28.10.1999, appropriate orders have to be passed by the respondents with regard to the release of family pension in accordance with the rules and regulations of the Corporation.

6. In view of the above, the writ petition is disposed of with a direction to the respondents to pass appropriate orders as per the rules and regulations of the Corporation within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

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K.C.BHANU, J

22nd November, 2004.

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To

1. The Regional Manager, Andhra Pradesh State Road Transport Corporation, Srikakulam Region, Srikakulam.
2. The Depot Manger, Andhra Pradesh State Road Transport Corporation, Tekkali Depot, Srikakulam.
3. The Accounts officer, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad.

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